IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1858 OF 2004

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders	Court's or Judge's Orders

R.C.Kaushik for the Petitioners.
S.V.Gajare, A.P.P. for the Respondent-State.

CORAM: S.R.Dongaonkar, J.
DATE : 10th March, 2006.

P.C.:

1. Heard Shri Kaushik for the Petitioners and Ms.S.V.Gajare for the Respondent-State.

2. It appears that in the Security Proceeding No. 21 of 03 in Court Matter No. 34 of 2003, notice under section 111 of the Criminal Procedure Code was issued to the Petitioners by the Special Executive Officer, Andheri Division, Bombay and the action was initiated under section

107 of the Criminal Procedure Code. It further appears that the notice was dated 21st November, 2003. When the proceedings were pending, the Petitioners have moved an application under section 116(6) of the Criminal Procedure Code.

3. I have heard the learned counsel for the Respondent-State. As it appears that even after filing of this Petition, six months are over. The Petitioners as per the order of the Special Executive Officer were to give bond for good behaviour and keeping peace for one year on 21.11.03.

4. It is not the case that the Petitioners are required to give bond under section 107 of the Criminal Procedure Code to the Respondents at this stage. Provisions of section 116(6) of Criminal Procedure Code are thus,

(6)" The inquiry under this section shall be completed within a period of six months from the date of its commencement, and if such inquiry is not so completed, the proceedings under this Chapter shall, on the expiry of the said period, stand terminated unless, for special reasons to be recorded in writing, the Magistrate otherwise directs:"

> "Provided that where any persons has been kept in detention pending such inquiry, the proceeding against that person, unless terminated earlier, shall stand terminated on the expiry of a period of six months of such detention."

5. Therefore, this Petition can be disposed of by directing the learned Special Executive Officer to take necessary action under this provision.

6. The Petition stands disposed of with direction to take action under section 116(6) of the Criminal Procedure Code.

(S.R.Dongaonkar, J.)